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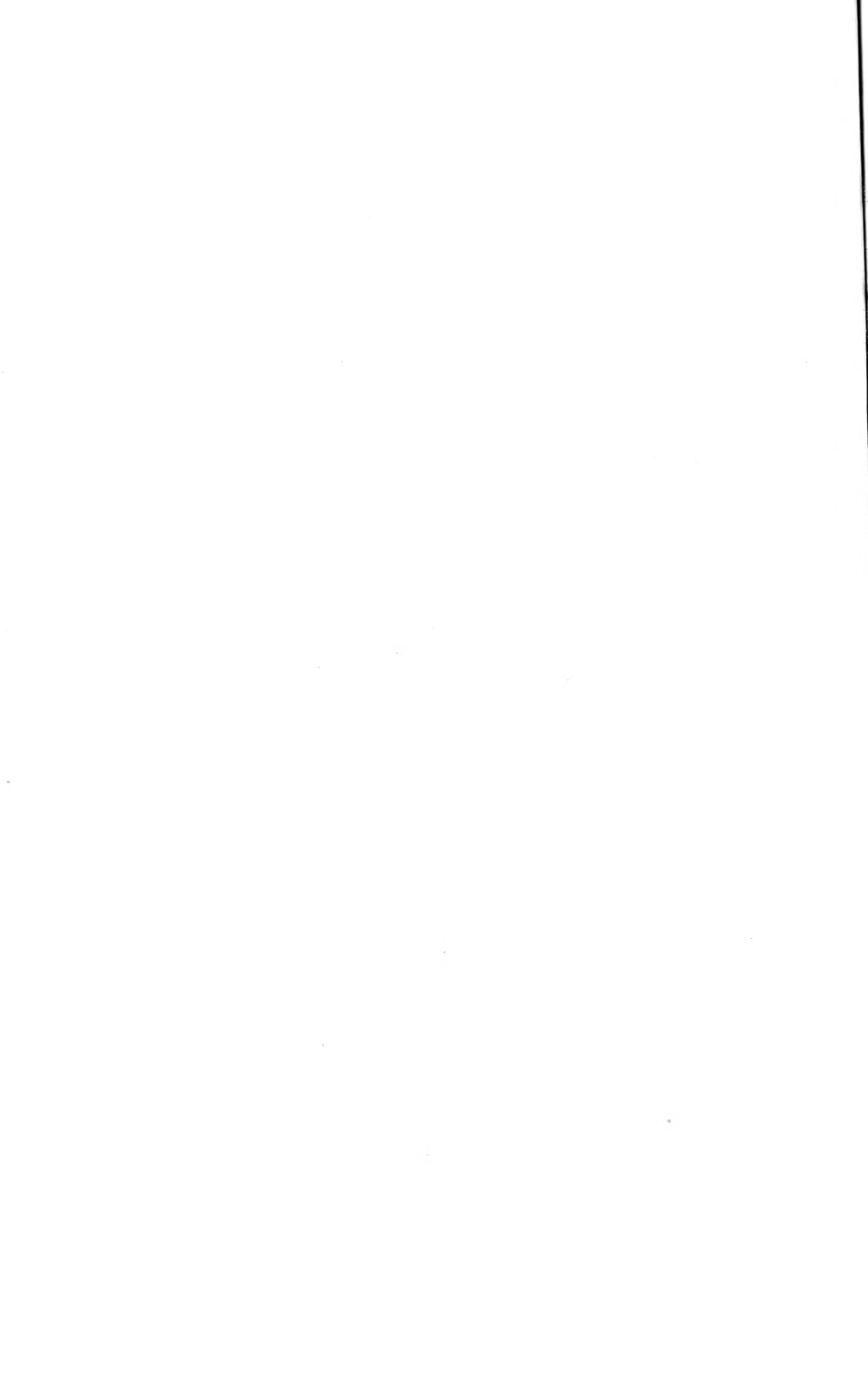
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# THE RANDOLPH EPISTLES.

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# THE RANDOLPH EPISTLES.

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*The South's losses in fugitive slaves amount to \$22,000,000 in the last 40 years, and her annual losses amount to \$550,000, for which the North is responsible, &c.—Jury Trial in the Free States, devised solely for the enfranchisement of the fugitives—The Military resources and strength of the South, &c.*

WASHINGTON CITY, July 18, 1850.

About nineteen-twentieths of all the wars, civil and national, which have wasted and saddened the earth, have sprung out of aggressions upon the *property-rights* of men and nations. Mr. WEBSTER once said, and with that felicity of thought for which he is so remarkable, that the men of the revolution were so sensitive to the least encroachment upon their *property-rights* that they even rebelled against a *preamble*, and took up arms against the first maritime power in the world, *for the recitals of an act of Parliament*, &c. In homelier words, they maintained that those who pay the taxes must lay the taxes, and that the rights of taxation and representation were inseparable elements of all rightful legislation. In support of this principle they drew the sword, and sheathed it no more until they had cleaved the colonies and kingdom asunder. As practical grievances, the moderate duties upon teas, stamps, &c., were scarcely felt, and the whole controversy arose about the right to impose them. Moreover, the revenues raised were all destined to colonial uses; and in all the time the colonial tariff lasted, scarcely amounted to a tythe of what

it costs a large portion of their descendants annually, and over and above all the burthens and expenses of the State and Federal Governments, and without a dollar being applied to any public uses, or returning into their pockets, through any of the channels of the public expenditures.

The descendants referred to are the people of the South, and the monies spoken of, are the annual values of her fugitive slaves, which the citizens of the North entice from her borders and set at liberty. This has been carried on for these thirty or forty years, and in late years through organized associations, with alarming frequency and a most amazing audacity. One of the worst omens of the times is, the shamelessness with which of late, men of property and character at the North, avow and boast of their criminal participation in decoying away and depriving owners of their slaves in the slave States. It is scarcely two months ago since "The New York State Vigilance Anti-Slavery Committee," (of which the opulent and famous Gerrit Smith is chairman) held its anniversary meeting in public in the city of New York, and I quote a single passage from its secretary's official report:

*"The Committee have within the year, since the 1st of May, 1849, assisted one hundred and fifty-one fugitives (for that, you know, is our business) in escaping from servitude!"*

Are these people aware how deeply they have criminated themselves in these avowals?

Do the citizens of New York hold themselves irresponsible to public opinion in conniving at felonies and giving them impunity? Do they not know that the members of this committee, by visiting a sister State, violating her criminal laws, and carrying off her property, themselves become, in the sense of the Constitution, *fugitives* from justice, and by virtue of their own confessions of the crimes they have committed, are subject to arrest and delivery to the authorities of the State whose laws have been broken? These one hundred and fifty-one slaves, at the most moderate estimate, were worth \$500 a piece, which amounts to an aggregate value of \$75,500; and if the same persons had publicly confessed that they had stolen that amount of money from the same citizens in the States of Maryland or Virginia, or had fraudulently acquired it through counterfeit bank bills, is there a judicial officer in the State of N. York who would not have felt it to have been his duty, to have caused them to have been arrested and imprisoned upon their own confessions of the felonies, and have detained them subject to the demand of the Executive of the State whose laws had been violated?

In all the Southern States, the stealing of slaves is one of the highest species of statutory felonies. In several of them it is punished with death; and the mildest punishment for the crime in any of them, extends to hard labor and penitentiary confinement. Every one who entices away a slave, with intent to deprive the owner of his services, and all who aid and abet him as accessories before the fact or after the fact, are made thieves and felons by the laws, and shall suffer death, or imprisonment at hard labor for life or for years, according to the criminal laws of the jurisprudence where the trials are to be had! Yet a Presbyterian church in the city of New York, makes free its pews to these fugitives from justice, and there in the presence of the New York public, they detail

their felonious thieveries committed against the property-rights of her sister States, and in flagrant violation of the Constitution of the United States; yet no man lays hands on them, or denounces or reproves them!

I propose in this paper to bring these abuses to public attention. My subject is the escape to, and emancipation in the free States, of fugitives from labor from the slave States. My object is to ascertain, as nearly as possible, their numbers, their values, and the probable losses sustained by the South annually and aggregately, in the course of the last forty years. This has never been attempted, that I know of. I have, indeed, occasionally seen some loose and unsatisfactory statements made upon one side and contradicted on the other, in the two Houses of Congress; but no data were given on either side, and the estimates seemed to be altogether conjectural. Entire accuracy in such a matter, is, of course, unattainable; but I see not why, through estimates drawn from the science of numbers, and based upon the principles of population, we may not approximate it near enough for all the useful ends for which such information is wanted.

To ascertain the *maximum* of the South's losses, is more than I hope for, or shall aim at; but a *minimum*, and one *large* enough to startle and amaze both North and South, (except the close observers,) and *sure* enough to bring to it the assent of all candid minds in both sections, I do aim at, and mean to demonstrate and establish it, maugre the doubtings of skeptics North or South.

My materials are accessible to everybody; they are all contained in the United States census, and the several enumerations of the free negroes in the several States, (running through a course of thirty years, commencing in 1810, ending in 1840,) will embrace the entire range of the calculation. The materials we have, then, are enumerations of this class of the population in each decennial

cycle for these thirty years; and the materials we want are, its aggregate increase, and its rate per cent. of increase in each of the great divisions of the country, the North, the Middle, and Western, and the South, for the whole time.

The principle and the mode of the operation may be unfolded in a trice: By taking the six New England States, as most remote from the slave States and less influenced by accessions from their fugitive slaves, and finding their rate per cent. of increase; and then by taking the six original slave States, where the free negroes of the Union dwell in the largest numbers, and have thriven most, and finding a rate per cent. of increase there; the comparison between the two ought to give us a safe *mean*, to measure the aggregate natural increase in both sections. Now, taking that *mean* and applying it to the seven Middle and Western States, (five of which border upon, and the two others are most accessible to, the slave States,) we may fairly conclude that the excess of free negroes found there over and above that mean rate per cent. of the natural increase, is made up wholly of fugitive slaves from the slave States. I am aware that the *mean* I have adopted is not strictly accurate, but the North cannot complain of the inaccuracy, as that inaccuracy consists entirely in underrating the South's losses, for (in the absence of all other data) I was constrained to follow the census, and could make no deductions therefore, from the natural increase of the free negroes of New England, of those large accessions which are annually made to it from the migrations of fugitive slaves from the South; and for the same reasons no deductions were made from the natural increase of free negroes in the slave States; of the still larger accessions made to them from the heavy annual emancipations of slaves. All these accessions from both sections consequently are cast into the account,

and impart to the *mean* therefore, a far higher rate per cent. for the natural increase than the real facts would have shown, *and per consequence*, exhibits the excess of free negroes in the midland free States, over and above the natural increase, far below what it really is.

In the way of general facts touching the growth of the population of the United States, I think these *postulata* may be safely assumed:

1. That the natural increase of the Southern slaves exceeds that of any other condition of men on this continent.
2. That the general census cannot show the fact, because it adds to the natural increase of the white race here, the vast annual accessions from foreign emigration; and on the other hand, it allows nothing at all for these vast annual deductions from slave-numbers, which are made through private emancipation, and escape and enfranchisement at the North; and hence, the census gives the white race the precedence in natural increase.
3. This being so, and such the cause, that the white population of the United States about doubles itself in every period of two-and-a-half decennial cycles, or twenty-five years.
4. That the slave population of the United States more than doubles itself in every period of three decennial cycles, or thirty years from the natural increase alone.
5. That the free negroes of the Southern States double in about every period of three-and-a-half decennial cycles, or thirty-five years from the natural increase alone.
6. That the free negroes in the Northern and Western States double in about every period of four decennial cycles, or forty years from the natural increase alone.
7. That the free negroes of the Southern States are the most stable and least migratory of any class of the population of the

United States, if we except their migrations to other *slave* States.

8. That considerably more of the free negroes migrate from the free States to the slave States, than from the slave States to the free States.

9. That forty-nine fiftieths of all native negroes of the slave States who are found in the free States, are or were fugitive slaves when they left the slave States.

With these preliminaries, I will now present a table which I have prepared from the Census-book of the United States, showing,

TABLE.

<i>Census, of Free Negroes in the New England States from 1810 to 1840.</i>				Gross per cent. of increase in 30 years.	The rate of increase per cent. per annum.
	1810	1820	1830	1840	
New England States	19,457	20,736	21,181	22,624	Rate 3 1-6 per cent. 1-10 of per cent. per annum.
<i>Census of Free Negroes in the six original Slave States from 1810 to 1840.</i>				Gross per cent. of increase in 30 years.	The rate of increase per cent. per annum.
	1810	1820	1830	1840	
Orig. Slave States	94,254	112,578	145,091	158,356	60 per cent. in 30 years. 2 per cent. per annum.
<i>Free Negroes in the Middle Free States from 1810 to 1840.</i>				Gross per cent. of increase in 30 years.	The rate of increase per cent. per annum.
	1810	1820	1830	1840	
Middle Free States	25,333	39,279	44,870	50,027	95 1/4 per cent. in 30 yrs. 3 1/6 per cent. per annum.
New York	7,843	12,460	18,303	21,044	168 1/4 per cent. do. 5 1/2 per cent. do.
New Jersey	22,492	30,293	37,970	48,954	117 1/4 per cent. do. 3 3/4 per cent. do.
Pennsylvania	1,899	4,723	9,538	17,342	813 per cent. do. 27 per cent. do.
Ohio	373	1,230	7,165	18,742	487 1/2 per cent. do. 62 3/4 per cent. do.
Indiana	613	457	3,598	487	487 per cent. do. 6 1/4 per cent. do.
Illinois	120	174	261	7,07	500 per cent. do. 16 2/3 per cent. do.
Michigan					
Total in Mid. States	59,673	78,545	116,217	149,204	250 per cent. do. 8 1/3 per cent. do.

1st. The aggregate numbers of the free negroes in the six New England States

from 1810 to 1840, (inclusive,) with their aggregate rate per cent. of increase, as also its rate per cent. per annum.

2d. The aggregate numbers of the free negroes in the six original slave States between the same periods, with their rate per cent. of increase in the aggregate and per annum.

3d. The separate as well as the aggregate numbers of the free negroes in the seven midland free States, as well as the aggregate rate per cent. of increase for thirty years, the rates per cent. per annum for the whole and for each State.

I have thus put it in the power of all to verify or to falsify (as the case may be) my data and deductions, from the details of the Census rolls, and the reasonings to be drawn from them. I earnestly invite all such to look into this table, and scrutinize it and ponder on it. There is scarcely a man in a thousand who pries into, or realizes the progressive and intolerable wrongs and injuries which the South suffers yearly—monthly—daily—from these furtive and felonious aggressions upon her property-rights, but those who do, have made an aggregate of losses far heavier than mine.

The increase of population in the United States is unexampled in all the world. Even bating its accessions from foreign emigration, and it is still without a rival. As it is, and as I have said, it doubles itself in 25 years. The rate of increase, therefore, is four per cent. per annum. Now turn to the free negroes of New England. They have dwindled and dwindled, until they have almost reached a stand still. Their annual increase amounts to but one-tenth of one per cent! They could not double themselves, at that rate, short of four hundred years! The South's fugitive slaves, which New England is known to shelter and free annually, without compensating their owners, (independently of the large numbers

she aids in escaping to Canada,) more than accounts for her entire annual increase, and consequently shows her native negro population gradually wearing out and wasting away.

Even the free negroes of the six original slave States of Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, only show an annual increase of two per cent., but the deficiency is fully accounted for in the migrations of free negroes from the old to the new slave States.

But turning from these common-place details, and casting our eyes upon the columns portraying the progress of free negroism, in those of the free States which border on, or are almost equally accessible to the slave States, and lo! what wonders and contrasts strike and astonish us! The very *minimum* of increase in the seven middle free States, reaches to 3 3-4 per cent. per annum, while Massachusetts, with her great free negro thoroughfare of Boston, reaches no higher than to seven-eighths of one per cent. per annum! Why, at the rate of 3 3-4 per cent per annum, they would double every twenty-seven years, and it is but one quarter of one per cent. per annum less than the rate of increase of the white population of the United States, and falls but that much short therefore, of doubling itself in every twenty-five years! So much for the *minimum* of increase.

But what are we to say of the *maximum* of increase in these States, of this the most sluggish and unthrifty class of people within our borders? On turning to the rolls for Illinois and Michigan, I found these States had been absorbed and deeply intent upon the *manufacturing* of free negroes, and increasing their store at the amazing rate of upwards of sixteen per cent. per annum, *each*, and as no community of living mothers ever yet gave births in *quadruples*, it was plain that these fabled procreations were

but the spoils of felonious plunder, and under the morals of the Free-soilers, that numbers give law, and thefts give title, numerous and valuable slaves are enticed from their owners; and, in association with the vilest and worthiest that shame the earth, they are hidden away in the chrysalis as fugitives from labor, but soon to emerge and take wing as fugitives from justice! Only to think of an increase of sixteen per cent. per annum, the quadruple of that of the United States, and which would double the free negro population of those States every six-and-a-quarter years! But why should I dwell on these cases, when there stands Ohio augmenting her free negroes out of the South's fugitive slaves, until her rate of increase per annum, has actually attained to 27 per cent., which would nearly double them seven times in twenty-five years, or more than double them every four years; and even such a marvel is lost in the wonder that there stands Indiana by her side, conspicuous over all, in the unexampled augmentation of her free negroes up to 62 1-3 per cent. per annum! At this rate of increase, instead of doubling like the population of the United States, once in 25 years, the free negro population of Indiana doubles, and has doubled itself in that time, fifteen times, and in a word, doubles itself every other other year, with 12 1-3 per cent. per annum of increase to spare!

These vast augmentations of free negroes in these ominous localities, will have one good effect all over the land. They will unmask this enormity to all men's gaze, and point to the materials out of which they have been wrought. None can doubt where the great body of these materials came from. Had all the free negroes of New England been emptied into the lap of these midland States, they would not have accounted for a tythe of the augmentation above the *natural* increase. It is not a possible case, that *that*

population, and in *that* region, should have increased by the *natural* and *usual* means, at as high a rate annually as three per cent. It is scarcely credible that it could have reached two per cent. *there*, and by *these* means; and it passes my belief, that the increase ever did or could have reached two-and-a-half per cent. *there*. Nevertheless, that I may have my data and deductions free from any possible cavil, I shall waive the lesser *mean* I designed to derive from comparing the rates of annual increase between New England and the original slave States, and adopt the rate of two-and-a-half per cent. per annum as the *mean* for ascertaining the augmentations of free negroes in the midland States, over and above the usual and natural means: That is to say, that after allowing two-and-a-half per cent. for the natural and usual increase, marking all augmentations beyond it as excess, and marking that excess itself, as a true exponent of the real numbers of the fugitive slaves within the designated localities.

I will not elaborate this paper by showing the process by detail. No one need put his faith, either in my skill or my fairness. The figures are before him, and he must cypher out the result for himself.

I find the excessive augmentations of free negroes (*fugitive slaves*) beyond the natural and usual means, in the States now to be named, to be as follows:

New York 3 5-6 per cent. excess over 2 1-2 per ct.	5,734	<i>Fugitive Slaves.</i>
New Jersey 5 1-2 per cent.; excess over 2 1-2 per ct.	7,921	do. do
Pennsylvania 3-3-4 per ct.; excess over 2 1-2 per ct.	9,602	do. do.
Ohio 27 per cent.; excess over 2 1-2 per cent.	14,033	do. do.
Indiana 62 3-4 per ct.; ex- cess over 2 1-2 per cent.	6,502	do. do.
Illinois 16 1-4 per cent.; ex- cess over 2 1-2 per cent.	2,535	do. do.
Michigan 16 2-3 per cent.; excess over 2 1-2 per ct.	497	do. do.

Total fugitive slaves in the  
above estimates - 46,221 in 30 years.  
Add the estimated number  
of fugitive slaves from

1840 to 1850, upon the ratio  
shown bet. 1830 & 1840 15,400 in 10 years.

Total fugitive slaves from  
1810 to 1850, - - 61,624 in 40 years.

Number of fugitive slaves  
escaping to the States  
annually, - - - 1,540

Having thus ascertained the number of fugitive slaves escaping into these States, the next thing to be done is, to assign them a rateable value; and, it should be noted, that in nineteen cases out of twenty, the fugitives are the most valuable description of slaves, young men, artizans, mechanics—the intelligent, the robust, the healthy. After striking off 50 per cent. of the present average market rate of slaves of that description, \$450 per head will be found a very moderate valuation, and will show the losses aggregately and annually as follows:

To 61,624 fugitive slaves valued at  
\$450 each, - - - - \$27,730 80¢

To the loss annually of 1,540 fugitive  
slaves at \$45, each, - - - - \$693,000

I believe the data which have formed the basis of all my calculations and estimates, have been moderate to a fault. Just, I am sure they are, and fairer they could not be. But it has just occurred to me that New York and New Jersey, manumitted a number of slaves in the course of the thirty years between 1810 and 1840, and Pennsylvania some also. I have heard, indeed, that a large proportion of these were removed to the South, before their terms of manumission took effect, and that their bondage, or at least their service, continuing there, their domicils in these States were lost. Be that as it may, I am not willing to leave these estimates to distrust, so to guard all possible mistakes, I shall now strike one-fifth, or twenty per centum from the estimates of both the aggregate and annual losses, reducing the former to \$22,184,640, and the latter to \$553,400; and (for good measure) casting into the account, New England's share of liability to the

South during the same period, for the like aggressions, and not less than five hundred slaves, (valued at \$225,000) whom the North assists annually to escape to Canada.

Let us pause. Here is an array of losses reaching up to 22 millions of dollars! Who lost it? The South! Who caused it? The North! What is it? *A debt!* Who owns it? The South! Who owes it? The North! How did it originate? From spoliations to that amount of the South's property. Were the spoliations prompted by any necessities of State or of circumstance? By neither: The aggressions were both wilful and wanton. The North coveted what she did not want: She took what was not her own: She sacrificed what belonged to others: The motive of the emprise was not the thirst of the spoilers, but the wrong and injury of the plundered.

I have shown the vast amount of slave property which has thus been taken from the slave States, from reliable data: I have shown what it was worth at a very moderate valuation, and it stands proven as a subsisting and valid debt, amounting to \$22,184,640. Who are liable for the payment? Those who took the property—those who received it—those who kept it—those who gave it protection—and those who evaded or resisted its reclamation: The citizens of the free States are liable,—the governments of those States are liable,—or in one comprehensive word, the *North* is liable. There is not a legal forum in Christendom, where such a claim, for such a cause, with equal proofs, between man and man, or nation and nation would not be recognized and enforced. Why it has been done “time out of mind,”—and the claiming and recovery of similar claims along the thoroughfares of the world, constitute at this time the current business of men and of nations. What but the foreign claims of her citizens prompted Great Britain to prowl over the seas like a huge Leviathan

Tax-Collector, and menace aggressive war in the ports of Venezuela, Nicaragua and Honduras, of Greece, Tuscany and Leghorn? What was it during General Jackson's Presidency, which brought the United States and France to the very brink of war, but the wavering hesitancy of Louis Philippe and the French Chambers, to execute the treaty of Paris, providing indemnity for French spoliations upon American Commerce, under the Berlin and Milan Decrees? Where in all South America have we a Minister whose whole functions of embassy are not engrossed with the trials and drudgeries of an accountant, in debating and adjusting at the bar of nations, the spoliated property-rights of American citizens? What originated and aggravated up to the moment of rupture, the war with Mexico, more than her seizures, detentions and confiscations of American property, and what but the national protection due to the property-rights of all American citizens of all sections, has instituted the commission now sitting here, for the adjustment of American claims for Mexican spoliations? And what is it at this moment that threatens our peaceful relations with Portugal, but the property-rights of our citizens, involved in the belligerent capture of an American privateer, while under Portuguese protection in the harbour of Fayal, near forty years ago? Now amid this vast and diversified mass of American claims, there is not among them all, a single one juster of right, clearer of fact, or more valid of law, than that of the South upon the North, for the spoliations and confiscations referred to and established in this paper, and *in amount it far exceeds the whole of them put together!*

This then being a just debt, in the South's name, I demand to know, why, like all other just debts, it should not be paid? Two reasons have been given by the North why it should not:

One reason is, that slaves are not *property*,

and are not the basis therefore of valuation and indebtedness. But besides that, Congress has repeatedly assessed their value and taxed them as property, and sold them as such under executions, the North is estopped from taking this ground by her own act. In 1815, (during the war with Great Britain) she, in common with the South, insisted that Great Britain should either make restitution of, or payment for, several hundred slaves as property, which she had carried away from the slave States during her investment of the Southern coast. And how did Great Britain, the leading Abolition power in the world, deal with such a proposal? She received it with respect, acknowledged it to be just, and made full payment for the slaves, with interest for their detention, and thus fully recognized the property-rights of Southerners in their slaves, even against their adverse claims and possessions as belligerents. The North committed herself to that proposal by making it, and she ratified it by receiving payment for the property with interest from the British Exchequer.

The other reason is, that the nature of our Union is incompatible with the enforcement of such a demand. Is it? Then the Union must be incompatible with its own principles, for the Union is itself but an incident and dependency of the Constitution, and the surrender and delivery of fugitive slaves by the States they are found in, was one of the *fundamental* conditions of its formation; and those who have not shut their eyes to the gloomy portents which sadden the times, must know, that the observance of its provisions will be insisted on as the fundamental condition of its continuance. The North would have us believe, that the preservation of that Union is an object of her first and profoundest regards; and lo! she commends it to the South's support and affections, by insisting that while it lasts, she can despoil the South of her property *ad libitum* and be exempt from restitution or liability, while, if it

were at an end, the North, like all the civilized nations of the earth, would be bound and constrained to make full restitution or payment, under the grave penalties of national dishonor and the chances of war! Without a treaty stipulation for the extradition of fugitives from labor, in derogation of the doctrine of the British constitution that there can be no property in man, in disparagement of her belligerent rights as a captor within her enemy's jurisdiction,—behold Great Britain (in conformity with the *Consuetudinary* Law of nations) attesting her reverence for the rights of private property, amid the waste and confiscations of offensive war, and rating and paying for our captured and deported slaves at their full value! Gainsay it who may, that self-despoiling example, so meet for observance, so worthy of praise and so just in itself, has drawn to it the spontaneous concurrence of all nations, and made itself the law of the world in peace and in war.

Such is the sanction and inviolability secured to private property-rights by a common consent and the revered usages between all nations, and without a treaty stipulation to enforce their performance.—In all Christendom there is not an exception to be brought against these usages,—not a question to be raised upon these rights of reclamation—but the exception to be found, God help us! in our own sovereign sisterhood of States! Yes!—here, where a thousand glorious deeds and remembrances bound and still holds us together in Federative Union, and whom common interests and affections have endeared to one another,—here where we *have* a *Treaty* stipulation, or rather something far better and weightier—a *Constitutional Pact*, obliging us to THE DELIVERY AND RESTITUTION OF FUGITIVE SLAVES,—here, where that stipulation has formed and yet forms one of the main conditions of our Federal *Status* in the past,



and now,—yes here, where we fully recognize the sacredness of the rights of private property, (being *foreign* property) through all the scath and waste of war,—we who have given to the nations, through the whole course of the Mexican war,—a thousand telling and glorious testimonies of our national appreciation and reverence for that principle, yet the moment it is brought home and applied to our property-interests with one another—the moment it becomes the basis of a debt between the North and South, the authority of all precedents is cast aside, the principle is renounced, restitution is withheld, all payment refused, the aggressions go on, the fugitives increase, and our rights of property, like our rights of migration and settlement and sovereignty in reference to our Federal domains and distant sea-boards, are subjected to the caprices, repulsions, and exactions of the law of the strongest! The *Constitution* guaranties to the South protection and security for her property-rights, but the *nature* of the *Union* forbids their enforcement! According to this, the *terms* of the *Constitution* give us all we can claim, while the *action* of the *Constitution* takes all of them away!—With the *Constitution*, reclamations are impracticable and the aggressions must continue; without the *Constitution*, the reclamations could be made, and the aggressions must cease! Such seem the obvious deductions from the North's reasons why the South should cling to the connection, and submit to her oppressions!

With aggregate losses in fugitive slaves in the course of the last 40 years amounting to \$22,000,000, with progressive losses at the rate of \$550,000 *per annum*, the South has come up to Congress at the present session, and (as every native son who loves and honors her hopes) for the *last* time, and offered to buy her peace and stabilize the Union through a surrender to the North of her liabilities for the \$22,000,000, upon

the simple condition that she would give prompt and faithful effect to the provisions of the *Constitution*, desist from all *future* aggressions in aiding the escape of fugitive slaves, and remove all obstructions to their lawful capture and recovery in the Free States. In the early days of the session, the matter was brought into debate; the Southern members were kindly listened to, and all candid Northern members admitted that the complaints were just, that the grievances were serious and weighty, and that effective remedies ought to be applied. A bill was introduced, but had made little progress before down came from the North an avalanche of petitions and remonstrances, casting every impediment in its way. Soon, the Committee of Thirteen reeled under the blight of the infection, and by some mystic mutations of positions, which remains a sealed book to the uninitiated, behold! the South loses her place as a *Complainant* before the Committee, and takes the attitude of a *Defendant* to the North's complaints! Thus she emerged into day from the Committee-room, and thus she stands now.—There is the Committee's report, and there are the two sections relating to the reclamations of fugitive slaves; and it is plain upon their face that the whole aim of both is to protect fugitives from spurious claims. Every one can examine them for himself. I do not mean to enter at all into the subject here; but no candid man can deny, but that these sections impose *additional* burthens, expenses and delays upon claimants; the one section cumulating the proofs without cumulating the remedies, and the other clogging the way by cumulating jury-trials upon the jury-trials provided by the States *in pari materia*. Both sections therefore are obstructions, not helps to the reclamations of fugitive slaves, and multiply the chances of their ultimate escape. But how came the sections there? Most obviously, the South did not want them,

and the North had no need for them, for Mr. Clay declared in the Senate that every member of the Committee from the Free States had stated, that they had never heard of an instance *ab urbe condita* to the present day, in which a fugitive had been claimed as a slave, who had not been proven to be such. This sort of legislation can deceive nobody who will think for himself. Without a single fraudulent claim made in 60 years, there was no mischief *quoad hoc* to remedy, and he has more acuteness than I have, who thinks that these sections were adapted to advance the right and insure the reclamation.

But bad as these sections are, and even should the South again give way as aforetime, would they content the arrogant and all-grasping North? Not they! A remedy rather that strikes at the root of the right and subverts it, pleases her taste and befits her resolves, and nothing short of it can. Accordingly a jury trial at *the vicinage of the capture* and not at *the vicinage of the flight* is the remedy devised, and with scarcely a disguise, devised for the manumission of the *man* and the confiscation of the *property*. And who have the Free soilers found to lead on this inglorious assault upon the national jurisprudence and the constitutional rights of the South? A statesman in front among the foremost, an eminent jurist, one of the great lights of the land, who has made the ancient Black Letter and English Common Law, the study of a life-time; who has held with Sir Edward Coke and all the Feudalists from earliest manhood, through a distinguished career, up to a mature old age, that in all trials for life or for freedom, *the vicinage of the facts* must be *the forum of the trial*; I mean the scholar, the juris-consult, the statesman, Senator Webster of Massachusetts. What a contrast is here, to the lofty eminence he stood on but a few months ago, when in the presence of the nation, he arraigned the North's aggressions, plead the South's

wrongs, and implored from the justice of Congress, the enactment of effective provisions to enforce the plain guarantees of the Constitution for the protection and security of the property-rights of the citizens! And what is devised as the great healing measure of remedial justice? A reference of all the cases to fanatic juries impannelled from the very sympathizers who have prompted the injury and wrought the wrong, and whose plighted principle of organized fellowship it is, that man can have no lawful property in man, and the only issue to the jury is, whether the captured fugitive is the *slave property* of the person who claims him! Why the whole thing is but a mockery and an insult; a mockery, because the verdict would be but a legal form for announcing a foregone conclusion; and an insult, because it aims at the extinction of the right it professes to secure. The only grievances brought to the notice of Congress (and they of long standing and rapidly on the increase) were the practices of citizens from the free States enticing slaves from their owners, protecting, concealing and succouring them, screening them from arrest, rescuing them from capture, and subjecting the claimants in quest of them to the harrassments and perils of mobs and murders. These grievances are real and acknowledged so to be, and juries have no functions appropriate to their prevention. They could not be needed to inspect the title papers of claimants and to revise the decisions of Judges or Commissioners ordering the delivery of fugitive slaves, for Mr. Webster bears testimony, that never in a single instance in sixty years, has any one of those officials committed a mistake in surrendering a fugitive to a claimant who was not a slave and not his owner. Jury-trials then not being *wanted* for the security of claimants against the obstructions to reclamations, not being *needed* for the security of fugitive slaves from the arts and devices of a simulated owner-

ship, can be insisted on or desired but for the one lawless purpose, of freeing the slave and despoiling the master, in defiance of the proofs and in breach of the Constitution! It may be said, indeed, that juries in the free States have occasionally given exemplary damages against persons who have rescued fugitive slaves from capture, and so they have; but that makes a very different issue in their eyes, from that which shall involve the liberty or slavery for a life time of a human being before them, pleading for freedom and imploring their sympathies and mercy, which can reach the heart and sway its impulses. Rest assured, that a jury's verdict in a free State, surrendering up a fugitive slave to bondage for life, will be one of those marvelous novelties, which no one now alive is likely to witness. I doubt me much, if it be ever put to the test; for what Southerner of sense, would throw away his money in so hopeless and perilous an emprise, as the pursuit and rescue of his slave from the hands of the spoiler, through a verdict from jurors who hold, that a man's freedom is a gift he was born with, and which all the paper titles in the world could neither disprove nor take away. Yet all the appearances are, that without such a verdict, he cannot have his slaves, for abolition arts, and mobs, and murders, have long since made the provisions of the existing law impotent for service and a mockery to claimants; and so long as the South will endure her oppressions, Congress will pass no law upon the subject, which shall not be a nullity on its face, through the forgone verdicts of enfranchisement it will prognosticate and point to, from the free soil juries. The fugitives will increase, the perils of capture will multiply, pursuits will be rarer and reclamations out of the question. The debt of \$22,000,000 will remain unpaid, and the citizens of the free States, without the shadow of a pretext or of a use to apply it to, but in mere wantonness

and mischief, will combine to take our property from us at the rate of upwards of \$550,000 per annum!

The case is unexampled in all the world. No civilized people have ever before, and for so long a series of years, oppressed another as the North have oppressed the South, and none upon the face of the earth have submitted, or would have submitted as the South has. In every year of such unprovoked aggressions, the men of the Revolution would have found a justification if not a necessity for prompt and bloody revolt—if their gallant and victorious resistance to slighter wrongs, against infinitely vaster odds than now contrast the military strength and resources of the North and South, is proof of a spirit that would not brook oppression, and dare all for their rights, whatever the risk. Nor is there a trace in aught that history has taken charge of in the career of our brethren of the North, which proves or suggests that they would have borne with a tythe of the oppressions which the South has submitted to from them. All looks otherwise from the lights that are before us. Shay's rebellion in New England—the whisky insurrection of Pennsylvania—the stealthy treasons in embryo at Hartford, amply attest their aptness for resistance and revolt even against their own brethren, wherever they can make even fancied aggressions put on the semblance of real wrongs. Why, what are they doing now? Are they not urging on the Government to the point of rupture with a foreign country, to recover the paltry value of a yankee privateer, which Great Britain seized in the port of Fayal forty years ago? Portugal never laid hands upon the property, nor connived at the aggression—nor consented to it. She was neutral to the war—neutral to the capture, and powerless to prevent it. And if a mere constructive liability for the payment of \$30,000, could thus rouse the North's ire to the fighting point, who could predestinate her forbearance when coming to the

knowledge, that Southerners, year by year, were prowling past her borders and driving off her flocks and herds to the value of \$550,000 *per annum*? Who could doubt her alternatives: payment for the property and cessation of the wrongs, or civil war? No man North of Mason and Dixon's line, but realizes as he reads this, that one or the other would be inevitable; and no man South of it but would say, that her alternatives were just, and applaud the spirit that resolved them.

If the North would not have submitted, and ought not to have submitted to similar aggressions, why has the South submitted? Is she less valiant than the North? If she is, the North must know it, for they stood and strived together through the Revolution—through the war of 1812—and more recently upon the battle-fields of Mexico, and I am quite willing that the North should name the occasions, when the South was out of front where the perils flew thickest, and when the South gave way, where the North stood firm. Or does it result from the South's consciousness of inferiority in the arts and appliances of successful resistance? The North will find the South's answer in the masterly address to the Nashville Convention, by a Southern soldier of the highest order of military genius and powers of combination, (General Felix Huston, of Louisiana) upon the military capacities and resources of the South, with the demonstrations he brings from all history and every age, of the mighty elements of martial strength inherent in the slavery institution, from the military necessity of having eight laborers at home to support each soldier in the field, with the moral impossibility of serious insurrection from the want of all concert, the slaves' ignorance of each other and of the arts and implements of war, &c. &c. When the facts and reasonings of that powerful pamphlet, shall have found its way into the North's hands (as it shortly will) the North will stand my sponsor for the prediction, that, whether the Union stands or falls, no man now living will witness an attempt from the North to coerce the South into terms, by crossing her borders in martial array, and Congressmen will think twice before again menacing the South, with the coming of those fiery regiments, which will either never get there, or never get away, as may best beseeem the regiments themselves. The alternatives will be these: be theirs' the choice!

No, no, Messieurs, all attributions of the South's forbearance to the state of the South's nerves, or the South's means, are wide, immeasurably wide of the mark. Had that been all, the North would have had a chance of shivering a lance with her long ago.—The same cause that restrained her hitherto, restrains her *now*, an overweening love of the Union, which if it shall last much longer and bring her no redress, will bring her to ruin and cover her with shame! It is amazing, it is alarming, yet it is admirable, to pause and ponder on a love of Union so profound and reverential and abiding. Any other people under the Sun, victimized and aggrieved as the South has been in the Union's name, would have shivered it to atoms from the might which slumbers in her soldierly arm! Had the North loved the Union as the South does, she would never have imperilled it, by degrading her with trials, so wounding to her honor and so onerous to be borne with. Had the South shown no sounder and deeper attachment to the Union than the North has, that Union would long have been numbered with the "things that were." To all seeming, the North's attachment to the Union, is neither deeper nor holier than the thrift she derives from it, and her wanton injuries and ceaseless revilings of her brethren, what are they but proofs of it? With the South, it is a sentiment and a passion, and what are her

wrongs and her forbearance but the proofs of it? Will the South bear longer with her wrongs and with more from her oppressors? God of his forecast knows! She may; but we bless Providence and trust, she may not! With States as with men, submission has its bounds. It is best to respect them. It is perilous to pass them. When oppression's cup is full, it will hold no more: It will bear what it has, but a single drop besides causes an overflow and carries away with it and spreads around ten thousand drops which unmolested, would have turned to vapor and have passed away, but that single drop does all the mischief, and aptly compares with the *last* ounce of the burthen, which broke the back of the camel!

RANDOLPH OF ROANOKE.

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